



November 15, 2017

Ms. Kris Monteith
Chief, Wireline Competition Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Notice of Discontinuance of Common Carrier DSL Access Transmission and Consumer Broadband-Only Loop Service (GN Docket No. 14-28, WC Docket No. 10-90, CC Docket No. 01-92)

Dear Ms. Monteith:

On behalf of Cross Telephone Company ("CrossTel") (Study Area Code 431985), I write to provide notice to the Wireline Competition Bureau ("WCB" or "Bureau") of its intention to cease offering its DSL access transmission and Consumer Broadband-Only Loop ("CBOL") service as a common carrier service effective January 15, 2018. This notice is given pursuant to the Commission's *Open Internet Order*,¹ the 2016 *Rate-of-Return Reform Order*,² and the *Rate-of-Return Clarification Order*.³

Currently, CrossTel provides broadband Internet transmission service as a de-tariffed common carrier offering. The sole customer for this offering is CrossTel's own affiliated Internet service provider ("ISP"). Contemporaneously with this filing, CrossTel has notified its affiliated ISP that CrossTel will no longer offer its broadband Internet transmission service as a separate component of its broadband Internet access service, effective January 15, 2018. The transmission component will only be provided as part of the complete broadband Internet access service CrossTel offers to end-user customers, whether directly or through an affiliate.

The Commission held that, where a rate-of-return company's wholesale Internet transmission service is de-tariffed and offered on a private-carriage basis, the company is no longer subject to universal service contributions on revenues associated with that service.⁴ That transmission component is now an input into a mass-market broadband Internet access service, which is an information service and is thus exempt from universal service contributions.⁵

¹ *Protecting and Promoting the Open Internet*, Report and Order and Order on Remand, Declaratory Ruling and Order, 30 FCC Rcd 5601 (2015) ("*Open Internet Order*").

² *Connect America Fund*, Order, 31 FCC Rcd 3087 (2016) ("*Rate-of-Return Reform Order*").

³ *Connect America Fund*, Order, 31 FCC Rcd 6856 (2016) ("*Rate-of-Return Clarification Order*").

⁴ See *Rate-of-Return Reform Order*, *supra*, 31 FCC Rcd at 3159 (¶ 193), n.428; *Rate-of-Return Clarification Order*, *supra*, 31 FCC Rcd at 6862-63 (¶ 25).

⁵ See *id.*

This serves as a 60-day notice with an effective date of January 15, 2018.⁶

Should any questions arise, please contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Jacob Baldwin", is written over a horizontal line.

Jacob Baldwin
General Counsel
Cross Telephone Company

cc: Pamela Arluk, Chief of Pricing Policy Division, Wireline Competition Bureau

⁶ See *Rate-of-Return Clarification Order*, *supra*, 31 FCC Rcd at 6863 (¶ 25), citing *Open Internet Order*, *supra*, 30 FCC Rcd at 5819 (¶ 460), n.1378.

Certificate of Service

I, Jacob Baldwin, hereby certify that a copy of the foregoing Notice of Discontinuance of Common Carrier DSL Access Transmission and Consumer Broadband-Only Loop Service was served on this 15th day of November by mailing true and correct copies, postage prepaid, by U.S. first class mail to the following:

Secretary of Defense
Attn: Special Assistant for Telecommunications
1400 Defense Pentagon
Washington, D.C. 20301-1400

Office of the Governor
2300 N. Lincoln Blvd., #212
Oklahoma City, OK 73105

Oklahoma Corporation Commission
Attn: Secretary
Jim Thorpe Office Building
2101 Lincoln Blvd., B22
Oklahoma City, OK 73105

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Jacob Baldwin
General Counsel
November 15, 2017